

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

United States of America

v.

MICHAEL BRENNER

Case No. 1:23-MJ-95

SDFL CASE NO. 23-mj-8237-RMM

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 2022 to on or about March 2023 in the city/county of Fairfax
in the Eastern District of Virginia, the defendant(s) violated:

Code Section

21 U.S.C. §§ 841 (a)(1) and 846

Offense Description

The defendant, unlawfully, knowingly, and intentionally combine, conspire, confederate and agree with others, both known and unknown, to unlawfully, knowingly, and intentionally distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

This criminal complaint is based on these facts:

(See attached affidavit.)

☒ Continued on the attached sheet.

Reviewed by AUSA/SAUSA
SAUSA Paul Zebbi III/AUSA April Russo

Printed name and title

Brandon Strait
Complainant's signature

Brandon Strait, Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone (specify reliable electronic means).

Date:

John F. Anderson

Digitally signed by John F.
Anderson

Date: 2023.05.08 14:59:00 -04'00'

Judge's signature

City and state: Alexandria, Virginia

Hon. John F. Anderson, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

MICHAEL BRENNER,

Defendant.

Case No. 1:23-MJ-95

UNDER SEAL

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Brandon G. Strait, being duly sworn, depose and state as follows:

INTRODUCTION

1. I am submitting this affidavit in support of an arrest warrant and a criminal complaint charging the defendant, MICHAEL BRENNER, with conspiracy to distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846. This affidavit is for the limited purpose of obtaining a criminal complaint and arrest warrant. The information contained in this affidavit is not intended to include each and every fact and matter observed by me or known to the government.

AFFIANT'S EXPERIENCE

2. I am a duly appointed Special Agent of the Federal Bureau of Investigation ("FBI") and have been so employed since January 2006. I am currently assigned to CR-14 of the Washington Field Office's Criminal Investigative Division and primarily investigate drug diversion schemes. As an FBI Special Agent, I have received extensive training in the enforcement of the criminal laws of the United States, as well as extensive training in criminal investigations.

I have conducted and participated in numerous investigations involving unlawful narcotics diversion and distribution. During these investigations, I have been involved in the application for and execution of many arrest and search warrants for narcotics related offenses, resulting in the arrest, prosecution, and conviction of numerous individuals, and the seizure of controlled substances, illegal drug proceeds, and other evidence of criminal activity. Through my training and experience, I am familiar with the use, effects, and methods of distribution of controlled substances.

3. The facts and information contained in this affidavit are based on my personal knowledge of the investigation and information obtained from other state and federal law enforcement officers. All observations not personally made by me were relayed to me by the individuals who made them or are based on my review of reports, documents, interviews, cellular phone downloads, search warrants, administrative subpoenas, and other physical evidence obtained during this investigation.

4. This affidavit does not contain every fact known to me regarding this investigation, but rather contains information necessary to demonstrate probable cause in support of the above-referenced criminal complaint and arrest warrant. All unindicted conspirators mentioned in this affidavit will be referred to in the masculine, regardless of their true gender.

SUMMARY OF PROBABLE CAUSE

5. Since on or around August 2022, the FBI has been investigating allegations that MICHAEL BRENNER ("BRENNER"), a former Navy Service member, was involved in a drug distribution ring.

6. On September 14, 2022, law enforcement sent subpoenas for BRENNER's Navy Federal banking account. The subpoena return confirmed (1) BRENNER held an account

numbered 709XXXXXXX; (2) BRENNER's home address in Boca Raton, Florida; and (3) BRENNER's phone number of XXX-XXX-9915.

7. Between September 26, 2022, and October 5, 2022, an undercover law enforcement officer (hereinafter "UCE") in the Eastern District of Virginia contacted BRENNER on multiple occasions first through normal text messaging and then through an encrypted mobile data messaging application. This encrypted application is known by investigators to be used by individuals who attempt to hide criminal communications from law enforcement.¹ During their communications, BRENNER confirmed the purchase by the UCE of 500 Adderall pills for \$2,500 and indicated a willingness to come down on the price for future larger purchases, such as 2,000 to 5,000 pills. When questioned whether the pills were pharmaceutical-grade (real) or "pressed" (fake), BRENNER stated, "Pharma tested." In the next message, BRENNER wrote, "I ain't risking that shit." Subsequent conversations further coordinated the purchase to include: (1) the UCE providing BRENNER with a PO Box in Centreville, Virginia to send the pills; (2) BRENNER confirming that the UCE should use Western Union to send payment to a Navy Federal banking account (account number 709XXXXXXX), and (3) providing his location as being in Boca Raton, Florida.

8. Additionally, on or around September 29, 2022, UCE asked about sending money quickly and requested BRENNER to have the pills sent out on the same day. BRENNER stated, "Can try." "It's a whole process lol it's ready tho." About an hour later, BRENNER continued, "Yea I can't get it shipped without the money, gotta get it to my partner to send out."

¹ The account BRENNER used to communicate on the application is linked to a phone number ending in XXX-XXX-9915 that comes back to BRENNER.

Package #1:

9. On October 5, 2022, UCE sent \$2,500 to BRENNER's Navy Federal account via Western Union wire transfer for the purchase of 500 Adderall pills. Upon sending the money, UCE sent BRENNER a picture of the Western Union receipt and tracking number via the same encrypted mobile data messaging application to show proof of payment.

10. On October 6, 2022, BRENNER sent UCE a message on the same encrypted mobile data messaging application. BRENNER wrote, "Going out Monday or Tuesday. I don't touch it have a system in place for obvious reasons lol." BRENNER followed up the message with, "1000 - 4.75, 2000 - 4.50, 3000 - 4.25, 4000 - 4.00, 5000 - 3.75, 5000+ - 3.50, For future reference."

11. On October 11, 2022, BRENNER wrote via the same encrypted mobile data messaging application, "They're going out today." "It's going out from west coast, 3 hours behind fam" and then sent a photo of a text exchange between what appears to be BRENNER and his west coast drug connection. The picture of the text indicated that the package was going out on Tuesday because Monday was a holiday.

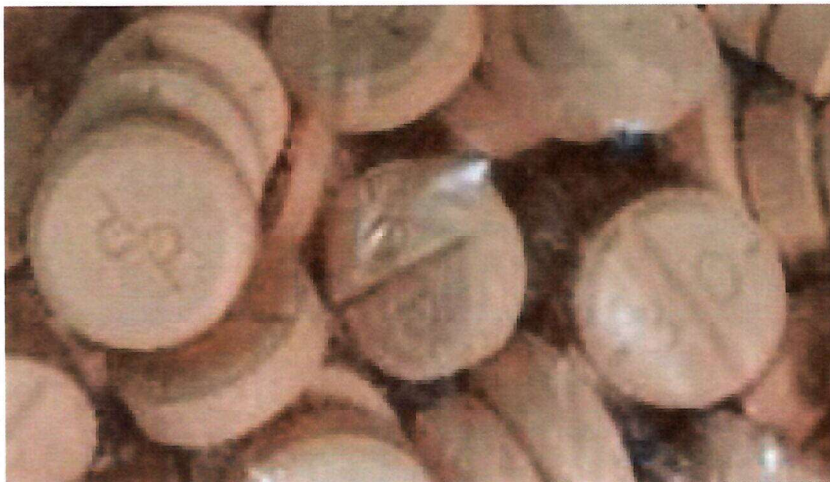
12. On October 12, 2022, BRENNER sent a picture of a United States Postal Service ("USPS") receipt which listed a tracking number of 9505 5163 3144 2284 5437 09 for a package that was sent to Centreville, Virginia and was expected to be delivered on October 14, 2022. The package was sent from California on October 11, 2022.

13. On October 14, 2022, case agents retrieved the package from the provided Centreville, Virginia PO Box. The package was addressed to the UCE. The package was taken back to the FBI to be placed into evidence. The package included approximately 500 light orange pills, bearing the traditional imprinted marking of Adderall, a "dp" on one side of the pill and a "30" on the opposite side of the pill. According to open-source reporting, the legitimate Adderall

bearing a “dp” on one side and a “30” on the other side, is produced by Teva Pharmaceuticals USA (see photo).



14. On October 18, 2022, case agents had the pills sent to the DEA Mid-Atlantic Laboratory for further testing. On December 6, 2022, case agents received a report from the DEA Mid-Atlantic Laboratory which concluded the pills consisted of a mixture containing methamphetamine (see photo).



Package #2:

15. Between October 31, 2022, and November 7, 2022, UCE contacted BRENNER on multiple occasions through the same encrypted mobile data messaging application. UCE asked to make a purchase of about 200 pills. BRENNER responded, “Shit yea, that 500 was the last half boat we were doin gotta be 1k minimum moving forward.” “Not my call lol.” UCE inquired about the cost for 1,000 pills and BRENNER responded by telling the UCE to review the prices he provided in the past for bulk, specifically \$4.75 per pill for purchases of 1,000 pills. Over the course of the communications, BRENNER confirmed that after consulting with his connection, they would accept \$4,500 for the purchase of 1,000 pills, or \$4.50 per pill.

16. On November 10, 2022, and November 11, 2022, UCE sent \$2,500 and \$2,000 respectively to BRENNER via Western Union wire transfer for the purchase of 1,000 Adderall pills.

17. On November 15, 2022, BRENNER sent a picture of a USPS receipt which listed a parcel being sent to Centreville, Virginia with a tracking number of 9505 5138 1549 2319 3975 51. The package was expected to be delivered on November 18, 2022. The package was sent from California.

18. On November 18, 2022, case agents retrieved the package from the provided Centreville, Virginia PO Box. The package was taken back to the FBI to be placed into evidence. The package included approximately 1,000 light orange pills, bearing the traditional imprinted marking of Adderall, a “dp” on one side of the pill and a “30” on the opposite side of the pill.²

² These pills were visibly a match to the pills from Package 1.

Prior to being placed into evidence, a pill was field tested. The device indicated that the pill was methamphetamine. The pills have since been sent to DEA Mid-Atlantic Laboratory for analysis.

Package #3:

19. Between February 16, 2023, and February 22, 2023, UCE contacted BRENNER on multiple occasions using the same encrypted mobile data messaging application. UCE stated, “Ima be good for 1000 next week fam.” BRENNER responded, “Yoo my b just saw this ok I’ll get working on it.” On February 22, 2023, UCE stated, “Gonna send bread tomorrow.”

20. On February 23, 2023, and February 24, 2023, UCE sent \$2,500 and \$2,000 respectively to BRENNER via Western Union wire transfer for the purchase of 1,000 Adderall pills. Upon sending the money, UCE sent BRENNER a picture of two Western Union receipts and tracking numbers via the same encrypted mobile data messaging application acknowledging receipt of payment.

21. On March 10, 2023, BRENNER sent a picture of a USPS receipt with a tracking number of 9505 5163 3142 3068 6804 21, referring to a package that was sent to Centreville, Virginia and was expected to be delivered on March 13, 2023. According to the receipt, the package was sent from California.

22. On March 12, 2023, the FBI received a package with tracking number, 9505 5163 3142 3068 6804 21, from the Centreville, Virginia Post Office. The package was taken back to the FBI to be placed into evidence. The package included approximately 1,000 light orange pills, bearing the traditional imprinted marking of Adderall, a “dp” on one side of the pill and a “30” on the opposite side of the pill.³

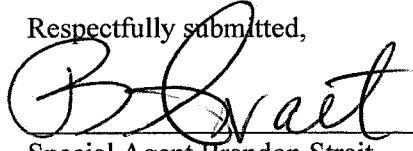
³ These pills were visibly a match to the pills from Packages 1 and 2.

CONCLUSION

23. Based upon the foregoing, I submit there is probable cause to believe that between on or about September 2022 to on or about March 2023, within the Eastern District of Virginia and elsewhere, the defendant, MICHAEL BRENNER, did unlawfully, knowingly, and intentionally combine, conspire, confederate and agree with others, both known and unknown, to unlawfully, knowingly, and intentionally distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

24. Wherefore, I respectfully request that this Court issue a criminal complaint charging MICHAEL BRENNER with violations of 21 U.S.C. §§ 841(a)(1) and 846 and a warrant authorizing his arrest.

Respectfully submitted,


Special Agent Brandon Strait
Federal Bureau of Investigation

Sworn and subscribed in accordance with the requirements of Fed. R. Crim P. 4.1 via telephone to me this 8th day of May 2023.

John F. Anderson

Digitally signed by John F.
Anderson
Date: 2023.05.08 14:58:00 -04'00'

The Honorable John F. Anderson
United States Magistrate Judge